

City of Midland

Freedom of Information Act

(P.A. 442 of 1976, as amended)

Administrative Policy, as of 11-14-11

Subsection 6(1) of the Freedom of Information Act (the "Act"), MCL 15.231, et seq. provides that a public body that is a city shall designate an individual as its Freedom of Information Act Coordinator.

Subsection 4(3) of the Act requires a public body to establish and publish procedures and guidelines to implement the assessing of costs under said Act.

Section 10 of the Act provides for the establishment of appeals from denials.

The City of Midland hereby adopts Public Act 442 of 1976, being MCL 15.231, et seq.

The City Attorney is hereby designated as the City of Midland's Freedom of Information Act Coordinator.

The City Council of the City of Midland hereby establishes the following procedures and guidelines pursuant to the Freedom of Information Act:

1. The City Attorney is hereby designated as the Freedom of Information Act Coordinator for the City of Midland. The City Attorney may designate other individuals to act on his or her behalf in accepting and processing requests for public records, and in approving a denial under Subsections 5(4) and 5(5) of the Act.
2. Original public documents may be viewed on the premises at which they are located between regular business hours, which shall be Monday through Friday from 8:00 a.m. to 5:00 p.m., with an appointment.
3. The City shall respond to a request within five (5) business days, as allowed under the Act, after receiving a request unless otherwise agreed to in writing by the person making the request or unless the City exercises its right under Section 5(2)(d) of the Act to extend its time to respond by an additional ten (10) business days.
4. If a request is denied, an appeal process shall be set out in the denial response.
5. Fees shall be charged for providing copies of public records. In computing such fees, the following charges shall be assessed;
 - a. The City will charge a fee for a public record search, for the necessary copying of a public record for inspection, or for providing a copy of a public record.

- b. The fee will be the actual mailing costs and the actual incremental cost of duplication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information.
 - c. The cost of labor will be the hourly wage, including fringe benefits, of the lowest-paid employee capable of retrieving the information.
 - d. The City will not charge for the cost of search, examination, review and deletion and separation of exempt from nonexempt information unless failure to do so would result in unreasonably high costs to the City because of the nature of the request in the particular instance and the City specifically identifies the nature of the unreasonably high costs. The determination of whether costs incurred in responding to a request are unreasonably high shall be made relative to the usual or typical costs incurred by the City of responding to requests.
 - e. The City will charge for the actual incremental cost of duplicating public records, which cost is currently twenty-five (25) cents per page. The City will utilize the most economical means available for making copies of public records.
 - f. A person requesting public records may choose to make arrangements with the City to examine records on site during normal business hours, particularly in cases where there is a large volume of materials. To protect its public records from loss, unauthorized alteration, mutilation, or destruction, the City may require the presence of a City employee while a person examines original public records. The City may charge the requesting person the labor cost of the City employee if the review is for an extended period of time and failure to charge for the cost of the employee would result in unreasonably high costs to the City.
 - g. If the total fee is estimated to be more than \$50.00, the City will require a good-faith deposit of one-half of the total fee. The City will notify the person requesting the public records in writing of the estimated fee and deposit required. Fees are required to be paid prior to the release of the public records.
 - h. Fees up to \$20.00 will be waived for requesters who submit an affidavit indicating they are on public assistance or are indigent.
 - i. Fees may waived or reduced if the request is deemed by the City to be in the public interest.
6. Procedures for processing a request shall be established by the Freedom of Information Act Coordinator, made available to the public, and updated as necessary.